

# BRAUNHAGEY & BORDEN LLP

San Francisco & New York

David H. Kwasniewski, Esq.

[kwasniewski@braunhagey.com](mailto:kwasniewski@braunhagey.com)

December 20, 2019

**VIA ECF**

The Honorable Frederic Block  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Pasik v. Boon Technologies, LLC, et al.*, E.D.N.Y. Case No. 19-2357-FB-JO**

Your Honor:

We represent Defendants Boon Technologies, LLC; Wondercide, LLC; and Stephanie Boone. On September 25, 2019, the parties appeared before the Court at a pre-motion conference, at which the Court ordered the parties to mediation. In the event the mediation was unsuccessful, the Court granted Defendants leave to proceed with a motion to dismiss.

The parties attended mediation on November 18, 2019, but were unable to resolve the case. The parties agreed on a briefing schedule premised on the parties' understanding that the Court's discovery stay would continue pending resolution of the motion. Plaintiff then reversed field and took the position that discovery should begin immediately. On December 11, 2019, Magistrate Judge Orenstein ordered discovery to commence. (Dkt. No. 30.) Since then, the parties have been unable to agree to a briefing schedule for the motion to dismiss. Accordingly, we write to request that the Court approve the following schedule, which was originally proposed by the Plaintiff and comports with the requirements of the Federal Rules of Civil Procedure:


Defendants' Motion: December 30, 2019

Plaintiff's Opposition: January 29, 2019

Defendants' Reply: February 12, 2019

We thank the Court for its attention to this matter.

Very truly yours,



David Kwasniewski

**San Francisco**

351 California Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
Tel. & Fax: (415) 599-0210

**New York**

7 Times Square, 27<sup>th</sup> Floor  
New York, NY 10036-6524  
Tel. & Fax: (646) 829-9403